IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5856 OF 2004

Rajesh @ Raju Khandagale ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.V.D.Upadhyay for Applicant.

Mr.K.V.Saste, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 14, 2005.

P.C.

1. Heard Counsel for the parties.

2. The argument regarding legality or acceptability of the dying declarations cannot be the basis for grant of bail because that is matter for trial. The fact remains that there is evidence in the shape of dying declarations as well as corroborating evidence of other witnesses on record. Having regard to the seriousness of the

offence, not a case for bail. Rejected.

3. The District Judge, Thane, is directed to assign the case to the Fast Track Court, if already not done, so as to ensure early disposal of the case.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.